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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/618,160

07/10/2003

Yeh-Jiun Tung

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4063

26646

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07/22/2004

KENYON & KENYON
ONE BROADWAY
NEW YORK, NY 10004

EXAMINER

NGUYEN, THINH T

ART UNIT

PAPER NUMBER

2818

DATE MAILED: 07/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/618,160

Applicant(s)

TUNG ET AL.

Examiner

Thinh T Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 18-21 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8 and 14-17 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 9-13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAIL OFFICE ACTION

1. Claims 1-21 are pending in the application.

Election/Restriction

2. Applicant's election **with traverse** of claims **1-17** in the communication with The Office on 6/23/2004 is acknowledged.

Because Applicant did not distinctly and specifically point out the supposed error in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Applicants have the right to file a divisional, continuation or continuation-in-part application covering the subject matter of the non-elected claims.

The traversal is on the ground(s) that see the election paper. This is not found persuasive. For the following reasons:

A/ As the Examiner already pointed out in the previous Office Action there are two patentably distinct species in the invention.

B/ Applicant's argument that the search is not a serious burden for the Office is also found not persuasive since a thorough search for very complex organic light emitting devices require that the Examiner has to go through about 75,000 Patents and Publication in the Office patent database alone, not counting Non-Patent literature and commercial databases.

The requirement is still deemed proper and is therefore made **FINAL and therefore**

Non-elected claims 18-21 will not be considered in the present Office Action.

Specification

3. The specification is objected to for the following informalities:

There are inconsistencies for reference numeral 140:

on paragraph [0039] line 4 reference numeral 140 is refer to as a hole blocking layer
meanwhile on paragraph [0044] lines 1 reference numeral 140 is refer to as the Electron
transport layer.

Correction is required.

4. The specification has been checked to the extent necessary to determine the presence
of all possible minor errors. However, the applicant cooperation is requested in correcting any
errors of which the applicant may become aware in the specification.

Claims Objections

5. Claims 9-13 are objected to as being improper dependent claims since they fail to comply
with 35 U.S.C. 112 fourth paragraph:

in those claims Applicant recites this limitation:

--“ wherein the device emits with CIE x,y coordinates that vary less than about..... “--

to replace the following limitations of the main independent claim1:

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--“wherein the device emits with CIE x,y-coordinates that vary less than about 0.04 over the luminance range of about 1000 cd/m². to about 20 000 cd/m². “--

the clear following example was given in the MPEP:

--“ Thus for Example, if claim 1 recites the combinations of element A, B, C, and D, a claim reciting the structure of claim 1 in which D was omitted or replaced by E would not be a proper dependent claim, even though it placed further limitations on the remaining elements or added still other element.”--.

Applicant is required to cancel the improper dependent claims 9-13.

(please refer to MPEP section 608.01(n) on part **II TREATMENT OF IMPROPER DEPENDENT CLAIM** and part **III INFRINGEMENT TEST** as the reason why the cancellation of claims 9-13 is required.)

6. This application is in condition for allowance except for the presence of claims **18-21** directed to inventions of non-elected claims or dependent of non-elected claims with traverse in the communication with the Office on 6/24/2004 and **the requirement for cancellation of improper dependent claims 9-13** . Applicant is given TWO MONTH or SIXTY DAYS from the date of this letter, whichever is longer, to cancel the noted claims or take other appropriate action (37 CFR 1.144).

Prosecution on the merits of this case is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213. except for consideration of the above matter.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

7. When responding to the office action, Applicants are advised to provide the examiner with the line numbers and page numbers in the application and/or references cited to assist the examiner to locate the appropriate paragraphs.

Conclusion

8. The prior arts made of record and not relied upon are considered pertinent to applicant disclosure: Bulovic et al. (US patent 6,312,836) disclose a Color-tunable organic light emitting devices

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thinh T Nguyen whose telephone number is 571-272-1790. The examiner can normally be reached on Monday-Friday 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Nelms can be reached on 571-272-1787. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Thinh T Nguyen



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David Nelms
Supervisory Patent Examiner
Technology Center 2800